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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,437	07/13/2004	David Ackerman	36692.00.0002	7471
7590 01/31/2006 Christopher J Reckamp Vedder Price Kaufman & Kammholz 222 N LaSalle Street Chicago, IL 60601			EXAMINER ZHOU, JIA QI	
			ART UNIT 3643	PAPER NUMBER

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/501,437	ACKERMAN ET AL.	
	Examiner	Art Unit	
	Jia-Qi (Josh) Zhou	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/13/04</u> . | 6) <input type="checkbox"/> Other: ____. |

By

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by German Patent No. DE 15 80 269 to Linke-Hofmann-Busch.

Regarding claim 1, the reference of Linke-Hofmann-Busch discloses a device that divides the transverse plane of a vehicle for transporting goods that comprises of a net (4) across a space with a first plurality of parallel lengths oriented in a first direction transverse to a second plurality of parallel lengths oriented in a second direction where neither of the first and second plurality of length is parallel to the floor, as well as fastening means in the form of straps (2,3) as seen in the Figure 1.

Regarding claim 2, the first plurality of lengths is transverse to the second plurality of length at substantially right angles.

Regarding claim 3, the barrier net has a first plurality of lengths oriented at an angle of 45 degrees relative to the floor.

Regarding claim 8, the reference discloses fastening means comprise shackles in the form of straps (2,3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4, 5, 7 rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent No. DE 15 80 269 to Linke-Hofmann-Busch in view of U.S. Patent No. 6,123,294 to Genovese.

The reference of Linke-Hofmann-Busch discloses a cargo net with two sets of parallel lengths that are at right angles with each other but are forty-five degrees relative to the floor. It did not disclose the exact securing means in regions where the two sets of parallels cross. The reference of Genovese discloses an airplane barrier net with horizontal (14) and vertical sets of straps (12) where the lengths are secured by securing means at the regions where they cross (16). Genovese also discloses that "intersections (16) may be interconnected by various known means such as stitching, riveting, fusing, stapling, and the like" (col.2, lines 64-66). Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use stitching, and a knotless means (like fusing) as stated in the reference of Genovese onto the device of Linke-Hofmann-Busch to be the securing means for the lengths at the intersecting regions in order allow the barrier net to support more cargo weight.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent No. DE 15 80 269 to Linke-Hofmann-Busch in view of U.S. Patent No. 6,123,294 to Genovese, and further in view of U.S. Patent No. 4,270,657 to Bayon.

The reference of Linke-Hofmann-Busch as modified by Genovese discloses a barrier net with various means of securing means at the intersection region as described above. It did not disclose a securing means for the intersection using knots. The reference of Bayon discloses a net for stowing cargo, and discloses that "...nets are manufactured from ropes, straps, or cables, which are connected together by knots, seams or splices." (col.1, lines 10-12) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use knots as taught by Bayon, to secure the intersections within the net in the device of Linke-Hofmann-Busch as modified by Genovese, in order to allow the barrier net to support more cargo weight.

4. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent No. DE 15 80 269 to Linke-Hofmann-Busch in view of U.S. Patent No. 6,244,803 to Parish et al.

The reference of Linke-Hofmann-Busch discloses all of the parts from above, but did not disclose a quick release fastening as a fastening mean to secure to the aircraft, or common attachment point for the two pluralities of lengths. The reference of Parish et al. discloses an aircraft cargo barrier net that discloses a quick release fastening

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means in the form of hooks (16), and it does include similar attachment point for both pluralities of lengths as seen in the upper right corner of Figure 1. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the quick release fastening means (like a hook) as taught by Parish et al. into the device of Linke-Hofmann-Busch in order to expedite the loading/offloading procedure. Also, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the same attachment point for both pluralities of lengths, as taught by Parish et al., into the device of Linke-Hofmann-Busch in order to reduce the number of locations that needs to be secured to the airplane in order to expedite the process of loading/offloading.

5. Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent No. DE 15 80 269 to Linke-Hofmann-Busch in view of U.S. Patent No. 2,669,402 to Del Mar.

The reference of Linke-Hofmann-Busch discloses all the parts mentioned above, but did not specify the materials that made up both the first lengths and the second lengths of the barrier net. Del Mar discloses a cargo net that includes two sets of lengths in the form of bands (18) and concentric rings (26). "The bands may be made of metallic cable, metallic strap, nylon, rope, and other fibers or any material which will yield substantially when subjected to large tension loads." (col.3, lines 38-41). The nylon is considered the plastic fiber material, and the textile webbing is considered under the "other fibers" because they all perform the same task. Therefore, it would

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have been obvious to one having ordinary skill in the art at the time the invention was made to use the materials mentioned by Del Mar to make the net into the net of Linke-Hofmann-Busch in order to be able to "withstand large tensile loads while undergoing deformation", "capable of returning quickly to its original no load position" (col.3, lines 43-45), and be reusable.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to barrier net for cargo in vehicles:

U.S. Patent No. 3,011,820 to Frieder et al.

U.S. Patent No. 5,915,652 to Caldwell et al.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jia-Qi (Josh) Zhou whose telephone number is 571-272-3096. The examiner can normally be reached on Monday thru Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jia-Qi (Josh) Zhou
Examiner
Art Unit 3643

12/8/2005

jz


PETER M. POON
SUPERVISORY PATENT EXAMINER

1/24/06